

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DERRICK SWEETING,

Case No. 1:17-cv-727

Plaintiff,

Dlott, J.

vs

Bowman, M.J.

THOMAS SCHWEIGTZER, et al.,

Defendants.

ORDER

Plaintiff, an inmate at the Lebanon Correctional Institution, brings this action against defendants Thomas Schweitzer, Major Spurlock, Lt. Husband, Lt. Couch, Lt. Shankin, and Sgt. Mrs. Hilis. This matter is now before the Court on Plaintiff's motion for subpoena, motion for Rule 31 deposition and motion to appoint counsel. The motions will be addressed in turn.

A. Motion to Serve Rule 45 Subpoena and Motion for Rule 31 Deposition

Plaintiff's motions purportedly seek to subpoena and /or depose two non-party LeCl prison officials. However as noted by Defendants, Fed. R. Civ. P. 31 does not require a party to make a formal motion for a written deposition. Rather, Plaintiff is required to complete Ohio Southern District Form AO88A and pay fees incurred under 18 U.S.C. § 1821. Notably, at this time, the Court nor Defendants will be expected to absorb the costs associated with his proposed depositions. For these reasons, Plaintiff's motions (Docs. 21, 25) are herein **DENIED as MOOT**.

B. Motion to Appoint Counsel

Plaintiff's motion for the appointment of counsel will be denied based upon the general principle that civil litigants have no constitutional right to the appointment of counsel at government expense. See *Anderson v. Sheppard*, 856 F.2d 741 (6th Cir. 1988). Plaintiff's complaint is legible and articulate and he has adequately represented himself in this matter through the date of this decision. At this stage, Plaintiff has failed to demonstrate the type of exceptional circumstances that would justify the rare appointment of free counsel for a *pro se* civil litigant. *Lavado v. Keohane*, 992 F.2d 601, 605 606 (6th Cir. 1993). Accordingly, Plaintiff's motion requesting counsel (Doc. 26) are **DENIED.**

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge